

MAR 10 2008

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID LEROY MCCOVY,

Defendant - Appellant.

No. 05-10606

D.C. No. CR-04-00279-RLH

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, District Judge, Presiding

Submitted February 26, 2008<sup>\*\*</sup>

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

David Leroy McCovy appeals from his conviction and 27-month sentence for bank fraud and aiding and abetting, in violation of 18 U.S.C. §§ 2 and 1344.

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), McCovy's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided McCovy the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

We have reviewed the briefs and motions, and conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (appeal waiver valid when entered into knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**.

**DISMISSED.**